

The authority of the Indonesian maritime security agency in safeguarding security and safety in Indonesian waters

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Abstract

As an archipelagic nation, Indonesia possesses vast and strategic maritime territories, necessitating an effective maritime security and safety system to safeguard national sovereignty, protect marine resources, and ensure the security of shipping activities. In practice, the administration of maritime security and safety involves various agencies with sectoral mandates, creating the potential for overlapping authority. Although Bakamla (the Indonesian Maritime Security Agency) has received a clear legal mandate through Law Number 32 of 2014 concerning Marine Affairs—reinforced by Government Regulation (PP) Number 13 of 2022—it still faces various obstacles in the implementation of its duties, which has resulted in the agency's role being less than effective. Bakamla's primary weaknesses lie in overlapping authority, resource limitations, and poor inter-agency coordination, preventing it from functioning optimally as Indonesia's single coast guard agency.

Keywords: Maritime security agency (Bakamla), maritime security, maritime safety

Introduction

National development is an effort to improve all aspects of the lives of the community, the nation, and the state; it is simultaneously a process of developing the entire state administration system to realize national goals. Alternatively, national development can be defined as a series of continuous development efforts encompassing every aspect of the lives of the community, the nation, and the state in pursuit of national objectives. The implementation of development covers various facets of national life, including political, economic, social, cultural, and defense-security aspects.

National interests serve as the foundation for addressing various strategic environmental influences—whether global, regional, or national—as well as the challenges and obstacles that arise. Therefore, the Indonesian nation must remain steadfast in maintaining unity and integrity, as well as the safety and wholeness of the Unitary State of the Republic of Indonesia (NKRI).^[1]

Geographically, Indonesia is the world's largest archipelagic nation, comprising 17,504 islands and a coastline spanning 108,000 kilometers. With a total area of 8.3 million square kilometers (km²), it connects two continents and two oceans, thereby occupying a highly strategic position along global shipping and trade routes. This location lends Indonesia immense strategic value—particularly in economic and military terms—as it links the interests of various nations across the northern, southern, and western regions.^[2]

Given this position, Indonesia is well-suited to become a global maritime axis. Becoming a global maritime axis entails building Indonesia into a major, strong, and prosperous maritime nation by restoring its identity as a maritime people, safeguarding maritime interests and security, harnessing the full potential of its maritime resources for national prosperity, promoting equitable economic development through the "sea toll" (maritime highway) initiative, and incorporating maritime diplomacy into its foreign policy.^[3]

However, the very advantages Indonesia possesses also render it vulnerable to maritime crimes. Such vulnerabilities create openings for certain parties to intrude upon Indonesian jurisdiction and illegally exploit natural resources—engaging in activities such as illegal logging, illegal fishing, illegal entry, and illegal mining. Other potential maritime issues include transnational crime, piracy, smuggling, and various other illicit activities. Moreover, transnational crime is a crime that crosses national borders,^[4] whether by land, sea, or air.

Key challenges include ensuring security and safety within Indonesian waters. In an effort to establish security and safety across its waters—while simultaneously pursuing the goal of becoming a global maritime axis—Indonesia established the Maritime Security Agency (Bakamla).

The legal basis for Bakamla is Law Number 32 of 2014 and Presidential Regulation (Perpres) No.178 of 2014 concerning Bakamla. Bakamla was established to carry out safety and security functions within Indonesia's jurisdictional areas and waters. In executing its duties, the Maritime Security Agency performs several functions, including: formulating national policies regarding safety and security; operating early warning systems related to safety and security; and conducting surveillance, guarding, prevention, and enforcement actions against legal violations—all within Indonesia's jurisdictional areas and waters. Additionally, Bakamla monitors and coordinates maritime patrols conducted by other relevant agencies, provides technical and operational support to those agencies, and carries out search and rescue operations within Indonesia's jurisdictional areas and waters. Finally, it performs other duties within the national defense system.^[5]

Bakamla is authorized to safeguard safety and security within Indonesian waters; Article 59 (3) of Law Number 32 of 2014 affirms that Bakamla is a government agency specifically mandated to conduct security and safety patrols in Indonesian waters and areas under Indonesian jurisdiction. This provision positions Bakamla as an institution with a central role in maintaining stability, order,

and law enforcement at sea. Furthermore, to establish a distinct identity in the international arena, Bakamla uses the name "Indonesian Coast Guard" (ICG).

This institutional arrangement is known as a "multi-agent system." The fact that lawmakers have assigned responsibilities to numerous agencies for maintaining maritime safety and security does not automatically yield positive results. This is because the involvement of so many agencies with overlapping authority creates a risk of poor coordination during the execution of their duties. Conflicting perceptions of authority and the emergence of "sectoral ego"—where agencies prioritize their own interests—can render efforts to resolve maritime law enforcement and security issues both ineffective and inefficient.

The cross-sectoral synergy envisioned for maritime security and safety is expected to drive effectiveness and efficiency in upholding sovereignty and the rule of law across Indonesian waters and national jurisdictions. Therefore, it is essential to clearly understand the roles, duties, and functions of each sector while setting aside sectoral egos in favor of the national interest.

One agency sharing a mandate similar to that of Bakamla is the KPLP. Internationally, the KPLP is recognized as the sole law enforcement agency responsible for maintaining security and safety in Indonesian waters, particularly regarding international shipping. Its legal basis is Law Number 17 of 2008 concerning Shipping. Internationally, the KPLP is known as the Indonesian Sea and Coast Guard (ISCG).

The establishment of Bakamla resulted in Indonesia having two agencies tasked with safeguarding security and safety in its waters. Disputes between Bakamla and the KPLP frequently arise due to overlapping authority, particularly concerning Bakamla's status as a "Coast Guard." This overlap is not merely a conceptual issue; it also causes friction during field operations. In 2019, various media outlets reported on the conflicting claims of authority between the two agencies regarding which of them was entitled to serve as the "Indonesian Coast Guard."^[6]

In a broader context, the issue of overlapping authority extends beyond Bakamla and the KPLP to involve other agencies that also perform maritime law enforcement functions. The TNI AL holds a defense mandate alongside maritime law enforcement authority, as stipulated in Law Number 34 of 2004 concerning the Indonesian National Armed Forces (TNI). The Water Police (Polair) are also authorized to handle maritime criminal offenses under Law Number 2 of 2002 concerning the Indonesian National Police. Furthermore, the Directorate General of Customs and Excise and the Ministry of Marine Affairs and Fisheries (KKP) possess sectoral authority to take action against smuggling and fisheries-related crimes. This situation creates overlapping jurisdictions, resulting in inefficient task execution and weakened inter-agency coordination.^[7]

Bakamla possesses broad authority covering Indonesia's entire jurisdictional area. However, despite having a clear legal mandate—established by Law Number 32 of 2014 and reinforced by Perpres No.13 of 2022—the agency still faces various obstacles in the implementation of its duties, which undermine its effectiveness. Bakamla's primary weaknesses lie in overlapping authority, resource limitations, and poor inter-agency coordination, preventing it from functioning optimally as Indonesia's single coast guard agency.

Research Methods

The type of research employed in this study is aligned with the concepts and issues addressed; specifically, it is normative-juridical research. The normative-juridical approach relies on primary legal materials, involving an examination of theories, concepts, legal principles, and statutory regulations relevant to the study. This approach is also known as a library-based approach, as it entails studying books, legislation, and other related documents. The scope of normative legal research encompasses basic norms or rules, legal principles, statutory regulations, comparative law, doctrine, and jurisprudence.^[8]

The normative method was selected because the issue at hand involves a conflict of authority rooted in legal norms; consequently, it is more appropriately analyzed through doctrinal and library-based study rather than empirical field research.

Data collection was conducted through a literature review—a method involving the gathering of legal materials from books, articles, and other literature relevant to the subject matter, framework, and scope of the study. The researcher sought and compiled materials such as statutory regulations, legal research findings, articles, newspapers, law journals, and the opinions of legal experts pertinent to the research problem.

Once collected, the data were identified, processed, and analyzed, then synthesized into a scholarly work using a qualitative approach. The data processing served as the basis for analyzing the issues under discussion.

Result and Discussion

The Authority and Status of Bakamla Regarding Security and Safety in Indonesian Waters

1. Legal Basis of the Maritime Security Agency of the Republic of Indonesia

The Bakamla is a non-ministerial government agency established as part of the state's efforts to strengthen the security and safety system within Indonesian waters and areas under Indonesian jurisdiction. Bakamla's existence is inseparable from Indonesia's strategic position as the world's largest archipelagic state, possessing a vast maritime area and situated along vital international shipping lanes. These conditions give rise to a high potential for threats, ranging from violations of sovereignty and transnational crime to the illegal exploitation of marine resources.

From an institutional perspective, the establishment of Bakamla represents an evolution of the Maritime Security Coordinating Board (Bakorkamla), which previously served as a platform for inter-agency coordination regarding maritime security. However, the purely coordinative nature of Bakorkamla was deemed insufficient to meet operational needs in the field, particularly concerning law enforcement and maritime security patrols. Consequently, the transformation into Bakamla reflects a paradigm shift from a coordinative approach to one that is more integrative and operational.

The establishment of Bakamla was not intended solely for patrolling Indonesian waters; it also aimed to enhance the nation's potential and quality derived from its maritime areas while protecting against various existing threats. Evolving circumstances necessitated that the government develop and update regulations concerning the Maritime Security Coordinating Board to improve coordination among the various government agencies operating in the

maritime security sector. To realize this, a working group on planning for maritime security and law enforcement was formed pursuant to the Decree of the Coordinating Minister for Political and Security Affairs Number Kep.05/Menko/polkam/2/2003. Given that Bakorkamla was tasked with formulating national policies regarding the security of Indonesian territory, thorough preparation was required; following a series of seminars and coordination meetings, Perpres No.81 of 2005 concerning the Bakorkamla was issued, establishing the legal basis for the agency.

After a lengthy process, and following the enactment of Law Number 32 of 2014, Bakorkamla was officially renamed the Bakamla. The law signed by Indonesian President Joko Widodo stipulates that Bakamla is coordinated by the Coordinating Minister for Political, Legal, and Security Affairs (Polhukam) and is tasked with conducting security and safety patrols within Indonesian waters and areas under Indonesian jurisdiction—specifically, regions beyond the national territory comprising the Exclusive Economic Zone (ZEE), the Continental Shelf, and the Contiguous Zone. The vast extent of the Continental Shelf (reaching depths of 200 meters), the territorial sea limit (extending 12 nautical miles from the baseline), and the ZEE limit (extending 200 nautical miles from the baseline)—combined with Indonesia's immense natural wealth—can certainly pose a threat to the nation itself. Consequently, the safeguarding of Indonesian waters requires meticulous planning.^[9]

Conceptually, Bakamla was designed as an institution that not only performs surveillance functions but also plays a role in integrating the national maritime security system. This is reflected in Bakamla's duties and functions, which include conducting security and safety patrols, operating early warning systems, and coordinating with various relevant agencies. In carrying out these functions, Bakamla utilizes maritime surveillance technologies—such as vessel monitoring systems based on the Automatic Identification System (AIS) and other tools—to support the early detection of potential maritime threats.^[10]

Furthermore, Bakamla's existence is closely linked to the need for effective maritime security governance amidst the multitude of institutions holding authority in maritime territories. The fragmentation of authority involving various actors—such as the TNI AL, the Water Police, and other technical ministries—necessitates a coordination mechanism capable of synergizing the roles of each agency. In this context, Bakamla is expected to serve as the lead agency for integrated maritime security operations.^[11]

However, in practice, this role has not yet functioned optimally. A primary challenge facing Bakamla lies in the limitations of its authority; normatively, maritime law enforcement functions have not yet been fully consolidated into a single institution. Additionally, tendencies toward "sectoral ego" persist, hindering the effectiveness of inter-agency coordination. These conditions indicate that while the establishment of Bakamla was conceptually progressive, the agency still requires strengthening in terms of both its institutional framework and regulatory backing.

Thus, Bakamla can generally be understood as an institution born from the need for more structured and integrated maritime security management. Yet, the effectiveness of its role depends heavily on the extent to which the national legal and policy framework can support the consolidation of

authority and clarify Bakamla's position within the state's institutional structure.

2. The Existence of the Bakamla

The establishment of Bakamla represents the state's normative response to the increasing complexity of threats in the maritime domain, ranging from sovereignty violations and transnational crimes to conflicts over marine resource utilization. However, from both conceptual and legal perspectives, the creation of Bakamla should be understood not merely as a practical response to maritime security needs, but also as an effort to restructure maritime institutional governance, which has historically tended to be fragmented.

Normatively, Bakamla's legitimacy is rooted in Law Number 32 of 2014, which mandates the establishment of a body tasked with conducting security and safety patrols within Indonesian waters and areas of Indonesian jurisdiction.^[12] This provision reflects the legislative intent to create an institution that functions as both a coordinator and an operator in maritime law enforcement. Nevertheless, the statutory language leaves room for multiple interpretations, particularly regarding the limits of Bakamla's operational authority when it overlaps with that of other agencies.

Further regulation via Perpres No.178 of 2014 clarifies Bakamla's status as a non-ministerial government agency operating under the authority of the President.^[13] Under this regulation, Bakamla is tasked with conducting security and safety patrols and operating an early warning system. However, a critical analysis suggests that strengthening authority through a presidential regulation has not fully resolved the issue of regulatory disharmony; hierarchically, a presidential regulation cannot override the authority of other institutions established under sectoral laws.

In practice, overlapping authority has become a central issue, highlighting structural problems in the legal design of Indonesia's maritime security framework. Law enforcement authority at sea is also vested in various other institutions, such as the TNI AL, the Water Police, and other technical ministries and agencies.^[14] This situation gives rise to a phenomenon of "multi-agency enforcement" that is not always accompanied by effective coordination mechanisms, thereby potentially leading to inefficiencies, sectoralism, and even jurisdictional conflicts in the field.

The administration of security, safety, and law enforcement within Indonesian waters and areas of Indonesian jurisdiction—as stipulated in Article 3 of PP No.13 of 2022 concerning the Administration of Security, Safety, and Law Enforcement in Indonesian Waters and Areas of Indonesian Jurisdiction—is carried out by:

1. The Minister;
2. The Agency;
3. Relevant Agencies; and
4. Technical Agencies.

The Agency acts as the coordinator for ministries/institutions in international forums regarding maritime security, safety, and law enforcement, in accordance with regulations governing foreign relations as outlined in Article 4 (2) of PP No.13 of 2022. Under this regulation, this authority rests solely with Bakamla.

Viewed from the perspective of international law—specifically the 1982 United Nations Convention on the

Law of the Sea (UNCLOS 1982)—a coastal state possesses both the right and the obligation to enforce the law and maintain security within its maritime areas.^[15] However, UNCLOS does not specifically regulate a state's internal institutional design, thereby granting Indonesia the flexibility to determine the most suitable institutional model. In this context, the establishment of Bakamla can be viewed as an adaptation to international practices—specifically the coast guard concept—yet it has not fully achieved the comprehensive institutional consolidation seen in certain other countries.

Thus, it can be critically concluded that although Bakamla possesses a sufficiently strong normative legal basis, its effectiveness still faces fundamental challenges—namely, regulatory disharmony and overlapping authority among institutions. Therefore, progressive legislative measures are required—such as strengthening Bakamla's authority through a dedicated law or revising relevant regulations—to establish a maritime security system that is integrated, effective, and characterized by greater legal certainty.

3. Implementation Mechanism of the Bakamla in Securing Indonesian Waters

From the perspective of normative legal research, the mechanism for executing Bakamla's duties in securing Indonesian waters is examined based on positive legal norms governing the authority, functions, and institutional coordination within the national maritime security system. This approach emphasizes the analysis of legislation, legal doctrine, and the principles underpinning the establishment and operationalization of Bakamla as a state institution.

Bakamla derives its primary legitimacy from Law Number 32 of 2014, which mandates the establishment of a maritime security agency tasked with conducting security and safety patrols within Indonesian waters and areas under Indonesian jurisdiction. This provision implements the constitutional mandate requiring the state to protect the entire territory of Indonesia and ensure national security—a core state objective as enshrined in the Preamble to the 1945 Constitution of the Republic of Indonesia.^[16]

Regulations concerning Bakamla are further clarified by Perpres No.178 of 2014, which outlines the agency's organizational structure, duties, functions, and operational mechanisms. Under these provisions, Bakamla functions not only as an executor of maritime security patrols but also as an institution with a coordinating role in the implementation of the national maritime security and safety system.^[17]

Bakamla's existence is inextricably linked to Indonesia's status as an archipelagic state, a status recognized under the UNCLOS. As the world's largest archipelagic state, Indonesia possesses vast maritime territories containing various international shipping lanes of strategic importance to the nation's economic, defense, and security interests. These conditions render Indonesia's maritime territory vulnerable to a range of threats, including illegal fishing, smuggling, human trafficking, piracy, marine pollution, and other forms of transnational crime.^[18] Consequently, an institutional mechanism capable of ensuring effective and sustainable maritime surveillance and security is essential.

The mechanism for executing Bakamla's duties essentially begins with maritime security surveillance and monitoring activities. Surveillance is a crucial instrument within the maritime security system, as it serves to detect—at an early stage—any potential threats that could compromise security

and safety in Indonesian waters. In carrying out this function, Bakamla utilizes various modern technological tools, such as coastal radar, satellites, the AIS, Long-Range Identification and Tracking (LRIT), and integrated maritime security information systems.^[19]

The use of such information technology demonstrates that maritime security mechanisms no longer rely solely on physical patrols but also prioritize an information-based approach (information-based maritime security). Through these systems, Bakamla can obtain data regarding vessel movements, shipping patterns, suspicious activities, and potential legal violations occurring within Indonesian waters. This data is then analyzed and serves as the basis for operational decision-making.

The subsequent stage involves the execution of maritime security and safety patrols. Patrols represent a tangible manifestation of Bakamla's authority to safeguard security in Indonesian waters. Pursuant to Article 63 of Law Number 32 of 2014, Bakamla is authorized to conduct security and safety patrols within Indonesian waters and areas under Indonesian jurisdiction.^[20] These patrols aim to prevent legal violations at sea while ensuring the security of shipping activities, which serve as the lifeblood of national and international trade.

In practice, patrols conducted by Bakamla may be carried out independently or in an integrated manner alongside other agencies. Integrated patrol operations serve to implement the principles of coordination and integration, which are defining characteristics of Indonesia's maritime security system. Through this integrated patrol model, various agencies with maritime authority can work synergistically, thereby mitigating the potential for overlapping jurisdictions—an issue that has historically challenged national maritime security governance.

In addition to conducting patrols, Bakamla is authorized to stop and inspect vessels suspected of violating the law. This authority is part of the maritime security function mandated by law. Inspections cover vessel documents, crew identities, sailing permits, cargo types, and the activities being undertaken by the vessel in question.^[21] Such inspections must be conducted in accordance with the principles of legality and professionalism to avoid infringing upon the rights of maritime users.

One of Bakamla's key powers is the authority to conduct "hot pursuit." The concept of hot pursuit is a recognized principle in international law of the sea, codified in Article 111 of the 1982 UNCLOS. This principle grants coastal states the right to pursue foreign vessels suspected of legal violations that attempt to flee the state's jurisdiction.^[22] In the Indonesian context, this authority serves as a crucial instrument for preventing lawbreakers from exploiting the vastness of the maritime territory to evade law enforcement proceedings.

Despite possessing operational authority regarding maritime security, Bakamla's operational mechanism emphasizes coordination over enforcement action. This is evident in the requirement for Bakamla to hand over vessels, crews, and evidence to the agency possessing investigative authority relevant to the specific violation detected.^[23] Consequently, Bakamla functions primarily as a coordinator and initial responder in maritime security operations, while investigation and prosecution remain the responsibility of agencies authorized by law. This coordinative model demonstrates that Indonesia's maritime security system is

built upon a multi-agency framework—a system involving various state institutions in carrying out maritime security and law enforcement functions. Therefore, the effectiveness of Bakamla's operations relies heavily on the level of coordination and cooperation among the agencies involved in securing Indonesia's waters.

Bakamla's Coordination Mechanism with Maritime Security and Law Enforcement Agencies

A key characteristic of Indonesia's maritime security system is the multiplicity of institutions possessing authority over maritime areas. In addition to Bakamla, these include the TNI AL, the Indonesian National Police—specifically the Directorate of Water and Air Police (Polairud)—the Sea and Coast Guard (KPLP), the Directorate General of Customs and Excise, and the Ministry of Marine Affairs and Fisheries through its fisheries surveillance unit. The presence of these various institutions demonstrates that maritime security in Indonesia is implemented through a multi-sectoral approach aimed at addressing all aspects of maritime security.^[24]

From the perspective of administrative law, the existence of multiple agencies with overlapping or similar mandates necessitates effective coordination mechanisms to prevent jurisdictional conflicts. According to Philipus M. Hadjon, inter-agency coordination is a crucial instrument of governance for ensuring legal certainty and effective public service delivery.^[25] Consequently, in the context of maritime security, coordination is a decisive factor in the successful execution of Bakamla's duties.

Normatively, Bakamla's coordination function is stipulated in Article 61 of Law Number 32 of 2014, which tasks the agency with synergizing and monitoring the execution of maritime patrols by relevant institutions. This provision indicates that the legislature envisioned Bakamla as an institution responsible for integrating the various maritime security activities conducted by other ministries and state agencies.^[26]

This coordination is operationalized through information exchange, the formulation of joint operational plans, the conduct of integrated patrols, and the convening of maritime security coordination forums. In practice, Bakamla operates the Indonesia Maritime Information Center (IMIC), which serves as a hub for collecting and analyzing national maritime security information. Through this system, data from various relevant agencies can be integrated to produce a more comprehensive picture of the maritime security situation.^[27]

Coordination with the TNI AL is of strategic importance, as the Navy serves as the primary component of national defense at sea. In carrying out their respective duties, Bakamla and the Navy often operate in the same areas. However, there are fundamental differences between the two. The Navy performs national defense functions pursuant to Law Number 34 of 2004 concerning the Indonesian National Armed Forces, whereas Bakamla carries out maritime security and safety functions under Law Number 32 of 2014.^[28] Consequently, the relationship between the two institutions is complementary and mutually supportive. In addition to the Navy, Bakamla also coordinates with the Indonesian National Police, specifically the Water and Air Police Directorate (Polairud). This coordination is necessary given that Polairud possesses investigative authority regarding various criminal offenses occurring within Indonesian waters. Should indications of a criminal offense arise during maritime security operations, Bakamla is

obligated to hand over the findings of its examination to the authorized investigators for further legal proceedings, in accordance with the provisions of the Criminal Procedure Code and other relevant legislation.^[29]

A cooperative relationship also exists with the KPLP, which operates under the Ministry of Transportation. The KPLP holds authority over matters of shipping safety, marine environmental protection, and the monitoring of vessel compliance with shipping regulations. Therefore, coordination between Bakamla and the KPLP is essential to ensure an integrated approach to maritime security and safety.^[30]

Conclusion

Bakamla is a non-ministerial government agency established under Law Number 32 of 2014 and Perpres No.178 of 2014, tasked with conducting safety and security patrols within Indonesia's jurisdictional areas and waters. Bakamla is authorized to operate early warning systems, conduct maritime security surveillance and monitoring, and execute actions such as stopping, inspecting, engaging in hot pursuit, and handing over vessels to competent authorities. However, this authority remains primarily coordinative and limited to maritime security and safety functions; consequently, Bakamla does not yet fully operate as a "single-agency, multi-task" entity—a model often adopted by coast guards in other countries.

As a non-ministerial government agency, Bakamla plays a strategic role within the national legal framework for maintaining maritime security and safety. It fulfills this role through patrols, surveillance, early detection, inter-agency coordination, and the integration of maritime security information. These activities support law enforcement, the protection of national maritime interests, and the preservation of state security, safety, and sovereignty within Indonesian waters.

Suggestions and Recommendations

The government needs to comprehensively strengthen Bakamla's legal basis and authority to ensure legal certainty in the execution of its maritime safety and security duties. Such strengthening is crucial given that Bakamla's current authority is limited to safety and security functions and does not yet fully encompass the "single-agency, multi-task" model. Furthermore, institutional capacity must be enhanced by upgrading operational facilities and infrastructure—including the development of maritime surveillance technologies such as radar, satellite systems, and patrol fleets—to bolster the effectiveness of surveillance and law enforcement at sea.

The government and Bakamla need to enhance institutional capacity, human resource professionalism, and operational capabilities to optimize the performance of maritime security and safety functions. This aligns with research findings indicating that while Bakamla plays a strategic role in the national maritime security system, it requires further strengthening to achieve optimal operational performance. Furthermore, a more targeted national policy on maritime security development is required to strengthen Bakamla's position within Indonesia's maritime security system.

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